



Crime, Histoire & Sociétés / Crime, History & Societies

Vol. 4, n°2 | 2000
Varia

Jenneke Christiaens, *De geboorte van de jeugddelinquent België, 1830-1930.*

Brussel, VUBPress (Criminologische Studies 1), 1999, 430 pp., ISBN 90 5487 214 4. [The Birth of the Juvenile Delinquent ; Belgium, 1830-1930].

Chris G.T.M. Leonards



Electronic version

URL: <http://journals.openedition.org/chs/833>

ISSN: 1663-4837

Publisher

Librairie Droz

Printed version

Date of publication: 1 June 2000

Number of pages: 124-127

ISBN: 2-600-00477-7

ISSN: 1422-0857

Electronic reference

Chris G.T.M. Leonards, « Jenneke Christiaens, *De geboorte van de jeugddelinquent België, 1830-1930.* », *Crime, Histoire & Sociétés / Crime, History & Societies* [Online], Vol. 4, n°2 | 2000, Online since 02 April 2009, connection on 02 May 2019. URL : <http://journals.openedition.org/chs/833>

cal rescue (troops and Metropolitan policemen) rather than attempt to mobilise contested local resources. As the acting Lord Lieutenant of Carmarthenshire put it when urging the Home Secretary to permit the arming of the Metropolitan officers drafted in during the Rebecca disturbances: «there is...far more analogy between the duties of the police here and in Ireland than between their duties in London and those they are to execute in this country»⁵.

This digression is, of course, intended to support and extend rather than chip at Philip and Storch's admirable achievement. They have altered permanently the view that has to be taken of the 1856 Act viz that it was not so much the beginning of a process that produced the policed society but, rather, a signal that that society had arrived. We can now the better see what the Home Office author of the criminal statistics first produced under the 1856 Act meant when, in an extraordinarily fervid passage in his introductory manifesto to the new statistical series, he said of the paid police:

They will act for the removal of all demoralizing influences...they will interfere to prevent the drunken brutality of the strong against the weak, and promptly assist in many ways in obtaining justice for the poor, whose material improvement they will greatly promote⁶.

The author was, of course, Samuel Redgrave who had been Secretary to the 1836-9 Royal Commission, and in the Home Office had been a witness to all the subsequent developments.

To reach their positions, Philips and Storch have synthesised a great amount of material and, above all perhaps, they have reached an imaginative and sympathetic understanding of what moved men in an age now far removed from any current experience. In a word, they have transcended their sources and offer not only a convincing factual account of far from straightforward events, but they have equipped their readers to share their own long pondered and rich understanding of what the facts signify.

R.M.Morris
(Open University, UK)
bob.morris@eggconnect.net

Jenneke Christiaens, *De geboorte van de jeugddelinquent. België, 1830-1930*. Brussel, VUBPress (Criminologische Studies 1), 1999, 430 pp., ISBN 90 5487 214 4. [The Birth of the Juvenile Delinquent; Belgium, 1830-1930].

In her recently published thesis, Brussels-based pedagogue and criminologist, Jenneke Christiaens, gives a historical account of the way in which, after 1830 in Belgium, juvenile criminality was discovered, fought against and turned into a scientific object of study. The four parts of this study treat successively the «discovery» of the juvenile delinquent, ideas and practices of punishment and education, and scientific influence on and occupation with this field of action.

⁵ HO 45/454B, letter of 29.9.1843.

⁶ Judicial Statistics 1857, PP 1857/8, Vol LVII, p. vi.

In her concluding remarks, Christiaens writes that, in 1830, a minor is *punished for what he has done*, in 1912 he is *treated for what he is*. This reversal in approach – from at first emphasising the act and then in the end emphasising the actor – can be seen from a theoretical angle, in which changing perceptions and definitions of a problem are at stake, as well as from a practical point of view, in which the development of the actual treatment of the juvenile delinquent is focused on. Christiaens sets out to disentangle these two intricately intertwined angles of her scientific object in the five chapters of the present volume.

In her first chapter, she gives a chart listing the factors leading to the isolation of juvenile criminality as an independent societal phenomenon in Belgium. Of those factors, the four most striking seem to be: the rise of statistics revealing the existence of the group of juvenile criminals; changes in criminal law and policy enabling prosecution and punishment; establishment of specialised juvenile institutions, allowing the separation of juvenile delinquents as a group; and the so-called social surveys, carried out by Ducpétiaux and others before 1850, leading to the incorporation of educational circumstances in the diagnosis of juvenile criminality. According to Christiaens, these surveys produced three typologies of potential criminal juveniles: the tramp, the thief and the prostitute.

The second chapter is a specimen of *history from below*, in the strict sense. Using court records, Christiaens investigates the evolution of the content of juvenile criminality between 1810 and 1890. She concludes that official juvenile crimes often turn out to be essential survival strategies of a proletarian population in which juvenile criminality is at first primarily rural, with many thefts of wood and the like. After 1860, a gradual geographical shift toward the urban milieu takes place, with an accompanying rise in property-related offences. It is noteworthy that Christiaens does not assess a specific juvenile criminality: in most cases the categories seem to be about the same as those for which adults are tried and convicted.

The third chapter, in which discourses on the juvenile delinquent and proposed solutions to the juvenile problem are central, again substantiates Christiaens' insight that separate punishment of juvenile criminals is not a special juvenile penitentiary policy, but rather one of the several results of a general prison reform carried out at the beginning of the 19th century. Here Christiaens notes the rise of several categories of juvenile delinquents: on the one hand, juvenile tramps and beggars who, as *children in danger*, after 1848 were lodged in a separate reformatory (*hervormings-school*) in Ruiselede; on the other hand, *innocent* and *guilty* juvenile criminals whose penal destiny, depending on their capacity to tell right from wrong (*oordeel des onderscheids*), could vary from education to punishment and from short detention to long imprisonment.

This situation is paralleled by similar developments in the neighbouring Netherlands where a «genesis of the innocent criminal child» and educational and reform-based care that was connected with it, gave way to a crucial, educational reorientation in the penitentiary care for juveniles (Leonards, 1995). Contrary to the Netherlands, this was reinforced in Belgium by isolating a hard core of so-called «incorrigibles». According to Christiaens, this was a rather random group of unruly children who did not conform to the educational regime because of misconduct, sexual aberrations etc., and opposed the regime in a particular manner.

Lastly, in her fifth chapter, Christiaens analyses the ways in which a new criminological and criminal-anthropological science tries to sum up thinking on and

insights into «the criminal» in a theory of the «*Homo criminalis*», where which biological, social and moral components are combined. She also discusses the new doctrine of «social defence» which, compensating for the crumbling of the classical, repressive system, allowed for intervention in defence of society as a whole.

This movement reaches its climax in the Belgian Child Protection Act of 1912. By then, Christiaens states, the juvenile delinquent is no longer a simple doer of criminal offences, but somebody who commits «acts defined as criminal offences». With new instruments and devices, like a diagnostic observatory in Mol, the minor thus enters into an «interventionist continuum», in which there seems to be no difference between punishment, observation and evaluation (p. 343).

There has been other research into the development of penitentiary youth care in Belgium, e.g. the old study on the reformatory in Ruiselede by Coppens (1980) and Dupont-Bouchat's recent *De la prison à l'école* (1996). Nevertheless, Christiaens' thesis is worthwhile because it provides some new, interesting views on Belgian historiography in this field. Christiaens sometimes makes use of social-scientific theories and concepts. Although not explicitly mentioned, Michel Foucault's world of thought has been an important source of inspiration to her. Foucault's thesis on the reversal of humanism, i.e. the will to dominate and exert power, could have been used to greater effect in interpreting the double road that penitentiary care in Belgium entered upon. In addition, Norbert Elias' ideas on the process of civilisation are treated with little care – not to say, discarded out of hand (p. 125, note 34). However, when describing the whereabouts of the so-called «incurables», whom Christiaens investigated in detail as a mirror of the pedagogical discourse, she makes creative use of J.C. Scott's theory on domination and concealed resistance by subjectives (Scott, 1990), constructing a framework for the hideous communication of incorrigible children with their warders. Now and then her conclusions seem a bit far-fetched, for instance when she qualifies the smuggling of tobacco into the prison as «a simple form of material resistance against enforced scarcity» (p. 228).

In addition to theory from the social sciences, her thesis makes ample use of straightforward historical examination of sources. This is exemplified at its best in the second chapter, on children's offences, derived from the correctional sentences of three districts in Antwerp province. Casually a treasure of empirical data on the nature, extent and development of juvenile criminality in nineteenth-century Belgium is provided here, which might be of use in other, comparative settings as well. With such comparisons in mind, a somewhat expanded methodological account of the sources and methods used would have been welcome.

Christiaens' book does not contain international comparisons. Given the size and scope of the volume, that surely is no negligence or shortcoming, but in light of the international (e.g. French, German, British, Dutch and Belgian) historiography on penitentiary youth care, it would seem reasonable to enter upon such an endeavour in the near future. International penitentiary congresses, as referred to by Christiaens herself, might be important sources for a truly European, comparative study of the birth and growth of the history of the juvenile delinquent.

Chris G.T.M. Leonards
(Universiteit Maastricht (NL))
chris.leonards@history.unimaas.nl

REFERENCES

- Coppens, W., *Geschiedenis van de hervormingsschool te Ruiselede, van 1848 tot 1866*. Leuven, Belgium: KU Leuven, 1980 [History of the Reformatory at Ruiselede, from 1848 to 1866].
- Dupont-Bouchat, M. S., *De la prison à l'école; les pénitenciers pour enfants en Belgique au XIX^e siècle (1840-1914)*, Heule, Belgium, U.G.A., 1996.
- Leonards, C. G. T., M. *De ontdekking van het onschuldige criminele kind; bestraffing en opvoeding van criminele kinderen in jeugdgevangenis en opvoedingsgesticht, 1833-1886*. Hilversum, The Netherlands: Verloren, 1995. [The Discovery of the Innocent Criminal Child; Punishment and Education of Criminal Children in Dutch Youth Prison and Reformatory, 1833-1886].
- Scott, J. C., *Domination and the Arts of Resistance: Hidden Transcripts*. New Haven: Yale University Press, 1990.

H.C. Erik Midelfort, *A History of Madness in 16th-Century Germany*, Stanford, Stanford U.P., 1999, xvi + 438 pp., ISBN 0 -8047-3334-1

This well-written book offers more than just a discussion of one type of deviance called madness. In dealing with all conceivable phenomena somehow connected to mental disturbance, it touches on almost every aspect of socio-cultural history. Thus, we get an in-depth discussion of the St. Vitus dancing mania, of which even contemporaries were not sure whether it served as a cure for disturbed people's ailments or it was a part of their problem. Midelfort's elaborate analysis of the ideas of Paracelsus, a somewhat shadowy figure from the viewpoint of mainstream historiography, is very useful. Further, we learn that the work of Johan Wier (whom Midelfort, too, insists on calling Weyer) not only represented skepticism with regard to witchcraft, but that it served as a crucial contribution to the development of the insanity defense in criminal trials. Wier based himself on the ancient Roman law of contract, arguing that impossible contracts like a pact with the devil had no legal existence. Whoever was so idiotic as to think to have signed one, could not be guilty of any crime. From the views of learned contemporaries, Midelfort shifts to a discussion of traditional folly, court fools in particular. Whether «natural» or artificial, none of them appears to have been considered as a person revealing a deeper truth. The author might also have included the 'foolish societies' (abbeys of misrule, etc.) of urban neighborhoods, as investigated by Natalie Davis, into the discussion here. The last two chapters deal with pilgrimages (the author insisting on their continued importance for Catholics, after a brief decline, during the Counter-Reformation) and hospitalization, albeit that the two hospitals on which the chapter focuses only housed a minority of mad people.

The book's title, therefore, is rather modest, which also applies to its chronological and geographic scope. The discussion ranges in fact from the end of the fifteenth century to the middle of the seventeenth. Moreover, for Midelfort, Germany appears to include the Netherlands, North and South, a view with which this reviewer cannot agree. The very first case discussed in the book involves the painter Hugo van der Goes, who, though born in Zeeland as his name indicates, lived most of his life in the Flemish town of Ghent. Flanders never even belonged to the Holy